## **EXHIBIT A**

INSLAW's File of FBI Documents Obtained Under the Freedom of Information Act (FOIA) Regarding the Sale of Computer Software "Including But Not Limited to the PROMIS Computer Software Product" by the Late British Publisher, Robert Maxwell



## U.S. Department of Justice

### Federal Bureau of Investigation

Washington, D. C. 20535

JAN 1 0 1994

Mr. William A. Hamilton Inslaw, Inc. Suite 300 1125 15th Street, NW Washington, DC 20005

Subject of Request: Robert Maxwell

FOIPA No. 371983 /190-

### Dear Mr. Hamilton:

Enclosed are copies of documents from FBI records. Excisions have been made to protect information exempt from disclosure pursuant to Title 5, United States Code, Section 552 and/or Section 552a. In addition, where excisions were made, the appropriate exempting subsections have been cited opposite the deletions. Where pages have been withheld in their entirety, a deleted page information sheet has been substituted showing the reasons or basis for the deletion. The subsections cited for withholding information from the enclosed documents are marked below:

Secti	on 552	Section 552a
[X] (b)(1)	[ ] (b)(7)(A)	[](d)(5)
[](b)(2)	[ ] (b)(7)(B)	[ ] (j)(2)
[](b)(3)	K] (b)(7)(C)	[ ] (k)(1)
	[ ] (b)(7)(D)	[](k)(2)
	[ ] (b)(7)(E)	[ ] (k)(3)
	[ ] (b)(7)(F)	[](k)(4)
{ } (b)(4)	[ ] (b)(8)	[ ] (k)(5)
[ ] (b)(5)	[ ] (b)(9)	[](k)(6)
[](b)(6)		[](k)(7)
(See Form 4.604s enclosed for an av	planetics of their courses as	

(See Form 4-694a, enclosed, for an explanation of these exemptions.)

Pursuant to your request, 20 page(s) were reviewed and page(s) are being released.

During the review of material pertinent to the subject of your request, documents were located which

- [X] originated with another Government agency(ies).

  These documents were referred to that agency(ies) for review and direct response to you.
- [ ] contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

K] If you desire, you may appeal any denials contained herein. Appeals should be directed in writing to the Assistant Attorny General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D.C. 20530, within thirty days from the receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

[ ] See additional information which follows.

Sincerely yours,

Chief

Freedom of Information-Privacy Acts Section Information Resources Division

J. Kerin O'Brien

Enclosures 2

#### **EXPLANATION OF EXEMPTIONS**

#### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b) (1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b) (2) related solely to the internal personnel rules and practices of an agency;
- (b) (3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b) (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b) (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b) (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life of physical safety of any individual;
- (b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b) (9) geological and geophysical information and data, including maps, concerning wells.

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d) (5) information compiled in reasonable anticipation of a civil action proceeding;
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest;
- (k) (1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k) (2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k) (4) required by statute to be maintained and used solely as statistical records;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.



## U.S. Department of Justice

Office of Information and Privacy

MAY 9.3 1994

Washington, D.C. 20530

Mr. William A. Hamilton INSLAW, Inc. Suite 300 1125 15th Street NW. Washington, D.C. 20005

May 1 9 1994

Re: Appeal No. 94-0166

RLH: MAP: GBR

Dear Mr. Hamilton:

You appealed from the action of the Federal Bureau of Investigation on your request for access to records pertaining to the "involvement of the late Robert Maxwell in the dissemination, marketing or sale of computer software systems, including but not limited to the PROMIS computer software product, between 1983 and 1992."

After careful consideration of your appeal, I have decided to affirm the initial action in this case. Mr. Maxwell is the subject of two Headquarters main files, one entitled Foreign Police Cooperation (the title of the other file is classified), and is alluded to briefly three times in three files, the subjects of which are other individuals or organizations. FBI has processed only those portions of the latter files which pertain to the subject of your request. Certain of the material within the scope of your request is classified and I am affirming the denial of access to it on the basis of 5 U.S.C. § 552(b)(1). This material is being referred to the Department Review Committee for its review and a determination whether it warrants continued classification under Executive Order No. 12356. You will be notified if the Committee's final decision results in the declassification of any information. Other material was properly withheld from you pursuant to 5 U.S.C. § 552(b)(7)(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties (including, in this instance, those of investigative interest to the FBI). Names of FBI agents and employees were among the items excised on the basis of 5 U.S.C. § 552(b)(7)(C). This material is not appropriate for discretionary release.

Judicial review of my action on this appeal is available to you in the United States District Court for the judicial district

in which you reside or have your principal place of business, or in the District of Columbia, which is also where the records you seek are located.

Sincerely,

Richard L. Huff

Co-Director





1125 15th St., N.W. Suite 300 Washington, D.C. 20005 (202) S28 S600 FAX (202) 659 0755

William A. Hamilton, President

January 21, 1994

Mr. Richard Huff Co-Director Office of Information and Privacy United States Department of Justice Washington, DC 20530

Freedom of Information Appeal No. 371983

Dear Mr. Huff:

On January 10, 1994, INSLAW received 20 pages of FBI investigative documents in response to a Freedom of Information Act (FOIA) request for documents relating to the "involvement of the late Robert Maxwell in the dissemination, marketing or sale of computer software systems, including but not limited to the PROMIS computer software product, between 1983 and 1992."

Eighteen of the twenty pages relate to Robert Maxwell, doing business as Pergamon International, in New Mexico in approximately June 1984. The FBI has heavily redacted these pages and ascribed most of the redactions to national security, i.e., Title 5, United States Code, Section 552,(b)(1) "specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy."

The FBI office in Albuquerque, New Mexico is listed as the "office of origin" of the investigation and the investigation case number "AQ [Albuquerque] 105 [Foreign Counter-Intelligence] C-3262" indicates that the FBI conducted a foreign counterintelligence investigation of Robert Maxwell and his corporation, Pergamon International, relating to the "dissemination, marketing or sale of computer software systems, including but not limited to the PROMIS computer software product" in New Mexico during 1984.

Shortly before Robert Maxwell died in the Fall of 1991, the investigative journalist Seymour Hersh published a book entitled The Sampson Option in which he portrayed Maxwell as a long-time secret intelligence operative for the State of Israel. INSLAW's Analysis and Rebuttal of the Bua Report, submitted to Attorney General Janet Reno on July 12, 1993, contains a summary on pages 38-43 entitled "The Alleged Distribution of PROMIS to Israel and the Alleged Partnership of DOJ and Israeli Intelligence in the Theft of PROMIS." The essence of this section is that the U.S. Justice Department delivered a copy of the proprietary version of PROMIS to Rafi Eitan and Israeli Intelligence in the spring of 1983 for use by Israeli Intelligence in communications intelligence initiatives against the intelligence and law enforcement agencies of other governments. A copy of PROMIS would apparently be sold or

Mr. Richard Huff January 21, 1994 Page 2

distributed to the entity which was the intelligence target, so that the agency would keep track of its workflow and files using PROMIS. Unbeknownst to the target agency, however, Israeli Intelligence would have taken measures to enable its communications intelligence service to eavesdrop electronically on the files of the target agency, once PROMIS became operational in the target agency.

It is not unreasonable, therefore, to infer that the FBI office in Albuquerque opened a foreign counterintelligence investigation of Maxwell and Pergamon International because Maxwell sold PROMIS to one or more U.S. defense installations in New Mexico and because the FBI may have been concerned that a foreign nation intended to use the PROMIS software as an electronic Trojan Horse for penetrating the computerized data base(s) of the targeted defense installation(s).

It is an established fact that officials of the U.S. Government have, from time-to-time, invoked national security to conceal embarrassing, improper or criminal activities. The Justice-Department's own role in the malfeasance against INSLAW could thus have been the reason for the FBI's improperly classifying materials on these 18 pages.

Additional support for this concern can be found in FBI notations on two of the 18 pages that indicate that those two pages had been fully declassified at one time, i.e., on December 13, 1992, but partially reclassified shortly before the pages were released to INSLAW, i.e., on December 21, 1993. Moreover, the reclassification occurred shortly after the INSLAW FOIA request had been taken away from the FBI FOIA specialist to whom it had been assigned, Ms. Karen Browning. On November 19, 1993, INSLAW learned from Ms. Browning that the INSLAW FOIA had been taken away from her and placed on a section chief's desk. INSLAW subsequently learned that another FBI FOIA specialist, a Ms. Sue Knopka, who is apparently a section chief, had taken over the INSLAW FOIA request. Ms. Knopka told INSLAW on December 9, 1993 that she had completed her work on the INSLAW FOIA, and that her work was then being reviewed by others. Twelve days later, the FBI reclassified portions of those two pages, and redacted the newly reclassified portions.

Raising the bar at the 11th hour on INSLAW's access to the Maxwell software sale documents is contrary to the new FOIA policy promulgated by Attorney General Janet Reno on October 4, 1993. In her Memorandum for Heads of Departments and Agencies, the Attorney General announced that she was rescinding the Justice Department's guidelines of 1981 on the legal defense of U.S. Government actions in FOIA litigation and that the Department will henceforth "apply a presumption of disclosure" in determining whether or not to provide legal defense for a U.S. Government non-disclosure decision.

Based on the aforementioned discussion, we believe the Justice Department should immediately reinstate the December 13, 1992 declassifications of the two pages at issue and, in addition, the Justice Department should, at a minimum, immediately release to INSLAW any of the following information contained in the 18 pages:

- The name(s) of the entity or entities to whom Maxwell "disseminated, marketed or sold" computer software products in New Mexico;
- The date or dates of the sale(s);
- The name(s) of the buyer(s) at the entity or entities that purchased or acquired the software products;
- The dollar amount(s) of the software product sale(s);
- The name(s) of the person(s) at Pergamon International involved in the sale(s);
- The application domain for the software products sold or disseminated in New Mexico;
- The name of the vendor(s) that developed and/or provided software support services for the software product(s) in question; and,
- The name(s) for the software product(s) sold or distributed by Robert Maxwell in New Mexico.

Thank you for your prompt consideration of our appeal.

Sincerely,

William A. Hamilton

President

WAH/ebd



### U.S. Department of Justice

### Federal Bureau of Investigation

Washington, D. C. 20535

JAN 1 0 1994

Mr. William A. Hamilton Inslaw, Inc. Suite 300 1125 15th Street, NW Washington, DC 20005

Subject of	Request:	Robert	Maxwell

FOIPA No. 371983 /190-

Dear Mr. Hamilton:

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	Section 552		Section 552a
<b>⋈</b> (b)(1)		(A)(7)(A)	[](4)(5)
[](b)(2)		[] (b)(7)(B)	[]()(2)
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[](b)(5)		[](b)(9)	[](k)(6)
[ ] (b)(6)			[](4)(7)
(See Form 4-694a, enclos	ed, for an explanation of t	hese exemptions.)	

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- in originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.
- [ ] contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

K] If you desire, you may appeal any denials contained herein. Appeals should be directed in writing to the Assistant Attorny General, Office of Legal Policy (Attention: Office of Information and Privacy), . . . . United States Department of Justice, Washington, D.C. 20530, within thirty days from the receipt of this letter. The envelope and the letter should be clearly marked 'Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

[ ] See additional information which follows.

Sincerely yours,

Chief

Freedom of Information-Privacy Acts Section Information Resources Division

Enclosures 2

#### **EXPLANATION OF EXEMPTIONS**

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- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life of physical safety of any individual;
- (b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b) (9) geological and geophysical information and data, including maps, concerning wells,

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

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- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

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RUGGE advised that INFORMATION ON DEMAND'S (IOD) sources include over 250 computer data bases which provide information in two main categories, research and document delivery.

According to RUGGE, all data bases that IOD has access to provide only public source information and nothing of a known or sensitively classified nature. She explained that it is a data base called the Defense Technical Center which is connected to the Department of Defense (DOD) which contains classified information, however, IOD has no password for access and further no need for access.

RUGGE advised that requests of IOD are approximstely 50% business related and 40% technical and medicine related. She advised that IOD taps most publicly available computerized data bases including Lockheed's Dialog, System Development Corporation's Orbit, the New York Times Information Bank, the National Library of Medicine's MEDLARS, and the Bibliographic Retrieval Service.

Relative to research, RUGGE advised that IOD provides information to the business, technical, and professional communities, as well as to individuals. According to RUGGE, IOD can locate single facts as well as provide answers to complex questions dealing with such areas as comprehensive marketing research, custom data supparies, sophisticated literature searching, current swareness service, and global information capability.

Relative to document delivery, RUGGE advised that IOD locates photocopies or acquires published information in any form, whether they are manuals, conference papers, patents, or theses, as well as reports, catalogues, brochures, articles, etc. She advised that requests are received at IOD by telephone, mail, and electronically, and that information is sent to clients by the same means.

RUGGE advised that under the law and government heading, IOD has access to the American Statistics Index (ASI) and Congressional Information Service (CIS), the Commerce Business Daily, the Congressionsl'Record Abstracts, the Criminal Justice Periodical Index, the Federal Index,





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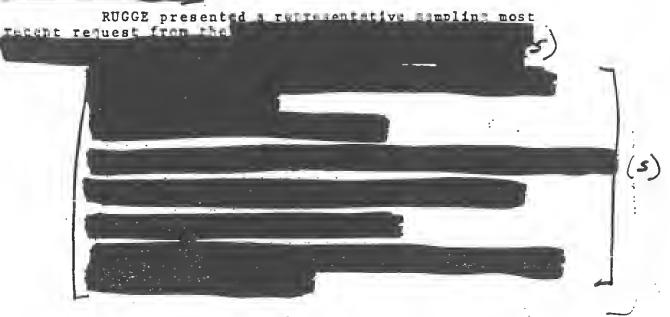
the Federal Register Abstracts, Labor Law, Illegal Resource Index, the National Criminal Justice Reference Service (NCJRS), the State Publications Index, the U. S. Government Contact Awarda (USGCA), and Votes.

According to RUGGE, the has been a client of IOD for at least ten years and it would be impossible to recall all the information requested by them, except for the last year, as records are not kept beyond that period. RUGGE siving the does not know if any of the requests of the

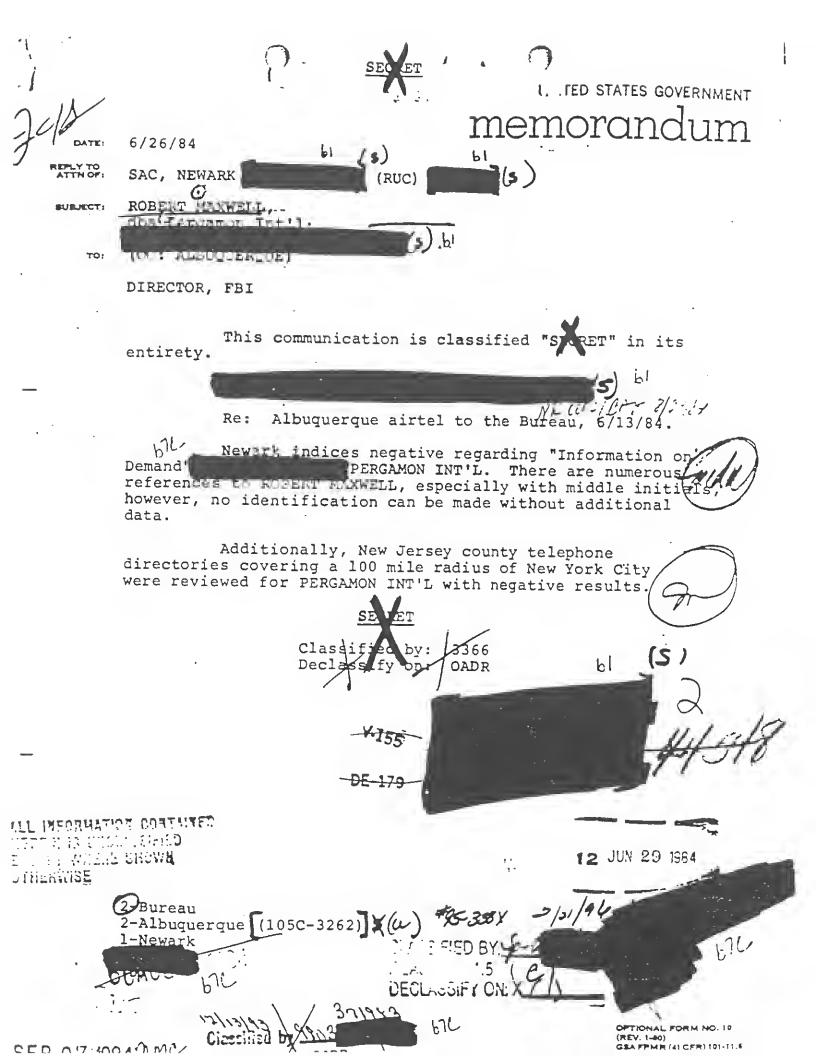
colperate with the FBI and offered to provide the FBI'
all informstion available to her relative to requests
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Additionally are advised that in fir some reason a

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SECRET

AQ 105C-3262 XV

194704, with Telephones (415) 644-4500 and (800) 227-0750. president of this firm is a woman known as SUE/RUGGE. The nature of this firm is that it is a firm which has compiled data base information and for a fee will provide them to customers. The data base information relates to a wide variety and to the best of their knowledge is not classified in any manner. However, it includes information concerning government and various available means of tapping government information data bases. The information provided by the Sandia employees was received from employees of the National Security Agency (NSA) and has to do with the purchase of Information On Demand, Inc., by one ROBERT MAXWELL, the owner of Pergamon International, a British information firm, According to NSA,

(3) b1 b3 p2. NSA

The information received from these Sandia employees is

computerized data bases on behalf of the Sovietsy

61 63 DI NS

571

Albuquerque indices are negative regarding Pergamon International, ROBERT MAXWELL, Information On Demand, Inc.

According to the Sandia employees, there is a New Jersey Pergamon International Office; however, they did not know where it was located ( )

LEADS

NEW YORK CITY DIVISION

AT NEW YORK CITY, NEV YORK

Search indices regarding Perjamon International, ROBERT MAXWELL, Information On Demand, Inc.

NEWARK DIVISION

AT NEWARK, NEW JERSEY

Will check indices as set forth for New York Office.



7/19/84



ROUTINE

#F143TRR SF ACEDE HO HOL43 #HDYSTR 192033Z JUL 84 FM DIRECTOR FBI TO FBI ALBUQUERQUE (105C-3262) ROUTINE

FBI SAN FRANCISCO ROUTINE

81

DIMERWISE

ROBERT MAXWELL DBA PERGAMON INTERNATIONAL;

THIS COMMUNICATION IS CLASSIFIED "SE RET" IN ITS ENTIRETY.

RE ALBUQUERQUE AIRTEL TO FBIHQ JUNE 13, 1984.

SF DIVISION CONDUCTED A

ON DEMAND INC., 2112 BERKELEY WAY, BERKELEY, CALIFORNIA, FROM

WHEN IT WAS PLACED IN A

CLOSED STATUS.

SF PROVIDED PERTINENT INFORMATION REGARDING INVESTIGATION OF INFORMATION ON DEMAND INC. TO ALBUQUERQUE VIA SF AIRTEL DATED JUNE 29, 1984.

4425/5 4587 616 L. / Shemii Shuy/H

PAGE THREE



NOTE:

ALBUQUERQUE DIVISION RECEIVED INFORMATION FROM TWO EMPLOYEES OF SANDIA NATIONAL LABORATORIES OF ALBUQUERQUE, N.M., THAT A COMPANY NAMED INFORMATION ON DEMAND HAD BEEN PURCHASED BY A ROBERT MAXWELL, OWNER OF PERGAMON INTERNATIONAL, A BRITISH INFORMATION FIRM. THE TWO EMPLOYEES ADVISED THEY HAD LEARNED FROM NSA

ALBURGENGUE IS PROVIDED WITH RESULTS OF INDICES SEARCH.

b1 153 per 115A





AQ 105C-3262 XW

bl b3

It was the speculation shown during the course of the conversation that this might be dated information which relates to the data furnished by FBIHO concerning

Until such time as NSA re-establishes contact and expresses further interest in this matter, Albuquerque is taking no further action and this matter is being placed in a closed status.

The personnel at Sandia National Laboratories were told that if NSA has a desire to establish contact with the FBI in this matter, a logical step would be to contact FBIHQ and pursue it through that channel. There is a chance they will come to Albuquerque in September and possibly they may be in touch with FBI, Albuquerque. If this occurs, FBIHQ will be apprised of any pertinent data received.

2 PAGE TWO DE HR DI43 SERRET

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C BY: 50 L; DECL: OADR

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AQ [105C-3262] (W)

## SAN FRANCISCO DIVISION

## AT SAN FRANCISCO, CALIFORNIA

Will search indices as set forth for New York Office.

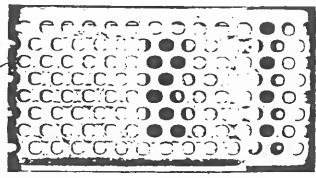
## REQUEST OF THE BUREAU

Requested to search indices regarding the firms and individuals as set forth in the New York lead.



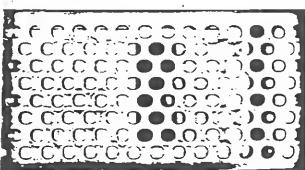
# \* FEDERAL BUREAU OF INVESTIGATION Records/Operations Sections

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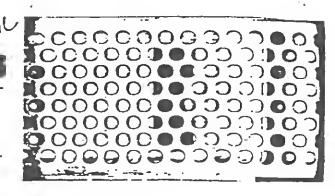
# FEDERAL BUREAU OF INVESTIGATION Records/Operations Sections

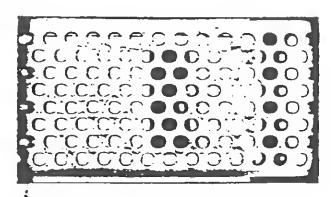
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SECRET Federal Bureau of Investigation



REC H

Washington, D.C. 20535

# ROBER MAXWELL

Captioned individual, who you advised was born October 6, 1923, may be identical to Ian Robert Maxwell, born June 10, 1923, In Czechoslovakia, who was the subject of a security investigation by the FBI from 1953 - 1961. Attached are eight memoranda and ten reports concerning this investigation.

Maxwell was the President of the "Pergamon Press," which had its headquarters in London, England. There is attached a report and memorandum concerning "Pergamon Press." (5-67359

In addition, in 1974 information was received that Robert Maxwell was one of the defendants in a civil suit against Leasco Data Processing Equipment Corporation. Attached is a copy of an indictment, newspaper article and a memorandum concerning this matter. (U)

The central files at FBI Headquarters, the records of the Identification Division and appropriate computer data bases contain no additional pertinent information identifiable with the captioned individual based upon background information furnished in connection with this name check request. (U)

Enclosures 23

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NOTE: Per request from Arthur B. Culvahouse, Jr., Counsel to the President, at the White House. (SP)

SEE REVERSE SIDE FOR ADD. DISSEMBATION.

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Bicentennial of the United States Constitution (1787-1987)

# THE WHITE HOUSE

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